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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,158	05/01/2001	Shinichiro Iizuka	201085US2	2672
22850	7590	11/06/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SANDERS, ALLYSON N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/845,158

Applicant(s)

IIZUKA ET AL.

Examiner

Allyson N Sanders

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 10-17, 27-34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-60 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 18, 19, 22, 35, 36 and 39 is/are rejected.
- 7) ☒ Claim(s) 3-9, 20, 21, 23-26, 37, 38 and 40-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Amendment***

2. Receipt is acknowledged of the Amendment filed August 14, 2003.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 18, 19, 22, 35, 36, and 39, are rejected under 35 U.S.C. 102(b) as being anticipated by Yasukawa et al (5,700,084).

Regarding claims 1 and 18, a method and system of assembling an optical module, the method and system comprising the steps and means of: measuring an outgoing angle of a light emitted from a light-emitting element; and orienting the light-emitting element based on the outgoing angle is disclosed.

Basting et al teaches the following in regards to claims 1 and 18:

“In order to attain the object and other various objects, the present invention provides a light-source position adjustment device for aligning, with a predetermined standard direction, a direction in which a light source emits light and for positioning a light emission point on a predetermined standard position...”

The device comprises an “angular shift measuring means disposed in the first optical path and for detecting emission angle intensity distribution of the light source; position shift measuring means disposed in the second optical path and for detecting a magnification image of the light source produced on an image plane of the magnification lens; a multi-axes stage unit for producing parallel movement and swinging movement of the light source; stage drive means for transmitting a drive signal to the multi-axes stage unit; and control means for determining, based on an output signal from the angular shift measuring means, an amount that a direction in which the light source emits light shifts from the predetermined standard direction and for determining, based on an output signal from the position shift measuring means, an amount that a light-generating point of the light source is displaced from the standard position, the control means outputting control signals to the stage drive means.”

“During a first set of processes S102 to S104, the axial angular shift between the light-emission direction of the light source 50 and the standard direction (Z-axis) is measured based on the optical bundle split toward the angular shift measurement pick-up element 36. The angular position (i.e., a setting angle) of the light source 50 is adjusted based on the measured results.”

### ***Response to Amendment***

5. Applicant's arguments and remarks were considered by the examiner and were persuasive. The prior art used in the current rejection better meets the claimed invention. Yasukawa et al measures an outgoing angle and adjusts the light-emitting element based on the outgoing angle.

***Allowable Subject Matter***

6. Claims 3-9, 20, 21, 23-26, 37, 38, and 40-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 49-60 are allowed over prior art.

The following is an examiner's for allowance: Yasukawa et al teaches an optical source position adjustment device. The above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of the present claimed invention, such as positioning an optical component based on a measurement of a divergent angle and fixing the position of the optical component after the positioning step is complete. Other elements not disclosed in prior art include the method wherein the step of fixing comprises welding the at least one optical component with a laser, the steps of detecting a near field pattern (NFP) of the light output from the at least one optical component; and positioning the at least one optical component based on the NFP, wherein the step of positioning based on the NFP is performed before the step of positioning based on the FFP, the system for assembling an optical code wherein the at least one optical component comprises means for collimating the light emitted from the light-emitting element, and wherein the at least one optical component comprises means for focusing a collimated light output from the means for collimating. Prior art additionally fails to teach a holding mechanism configured to position the optical component based only on the far field pattern measurement.

Moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [***allyson.sanders@uspto.gov***].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published*

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*in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG*  
89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders  
Patent Examiner  
Art Unit 2876  
October 27, 2003

A handwritten signature in black ink, appearing to be 'Thien M. Le', with a stylized, cursive script.

**THIEN M. LE**  
**PRIMARY EXAMINER**